REMARKS

Claims 11, 12 and 15 to 20 are now pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 11, 12 and 15 to 20 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. In this regard, claims 11, 12 and 19 have been corrected as suggested. Accordingly, withdrawal of the indefiniteness rejections of the claims is respectfully requested.

Claims 11, 12 and 15 to 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 11601119 ("Tabata") and U.S. Patent No. 6,457,784 ("Bohm").

Claim 11 relates to a method for controlling a hybrid drive of a vehicle, the hybrid drive including as propulsion motors an internal combustion engine and at least one electric motor/generator, and output shafts of the propulsion motors being operatively linkable to a power train of the vehicle, the method including activating the propulsion motors and an electrically activatable braking system of the vehicle in a coordinated manner, as a function of a negative torque demand, and taking the negative torque demand into account. Claim 11 provides that *to specify a setpoint wheel braking torque, an instantaneous transmission output torque signal is gated with a request signal of a brake pedal.* Claim 11 further provides that *a request signal delivered by a brake pedal is interpreted within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive.*

It is respectfully submitted that "Tabata" and "Bohm", whether taken alone or combined, do not disclose or suggest the feature in which to specify the setpoint wheel braking torque, an instantaneous transmission output torque signal is gated with a request signal of the brake pedal, and in which the request signal is interpreted within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive, as provided for in the context of claim 11, as presented.

Instead, "Tabata", for example, refers in col. 28, paragraph [109] to a hybrid drive of a vehicle, which may adopt two different types of braking, namely, a wheel braking applied in response to actuation of the brake pedal, and also a power source braking by means of the loading torques from the engine and the motor, the power source being made effective when the accelerator pedal is released. "Tabata" does not disclose or suggest that "*to specify*

a setpoint wheel braking torque, an instantaneous transmission output torque signal is gated with a request signal of a brake pedal." "Tabata" states only that the braking force applied to the vehicle is the sum of the power source braking and the wheel braking when the driver steps on the brake pedal. para. [109]. However, "Tabata" does not discuss how the components of that breaking force are determined. Specifically, "Tabata" does not disclose or suggest that in order *to specify* a setpoint wheel braking torque, an instantaneous transmission output torque signal is gated with a request signal of a brake pedal, as provided for in the context of claim 11. "Tabata" does not disclose or suggest any dependency between wheel breaking torque and instantaneous transmission output torque at all. In fact, an instantaneous transmission output torque signal is not taken into account. Moreover, "Tabata" does not disclose or suggest that the request signal by the brake pedal is interpreted within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive, as provided for in the context of claim 11, as presented.

Likewise, "Bohm" refers in col. 5, lines 36 to 44, to a vehicle with an electric drive and a friction brake, in which different set values for braking torque are generated for an electric motor and friction brakes of a front axle and a rear axle of the vehicle. A method for controlling a hybrid drive is neither discussed nor suggested. Moreover, "Bohm" does not disclose or suggest the feature of taking into account a transmission output torque signal for specifying the setpoint wheel braking torque and interpreting the request signal within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive.

The Final Office Action asserts on page 5 that "Tabata" refers on page 15, col. 28, lines 26 to 40, to a summing of the power source braking and the wheel braking when the driver steps on the brake pedal, and that such a reference meets the limitations of claim 11 because the recited terms "setpoint" and "signal" have no specific definition.

However, even if "Tabata" describes a total breaking force as the sum of power source breaking and wheel breaking, "Tabata" does not disclose or suggest *specifying* the setpoint wheel braking torque. In the context of claim 11, the setpoint wheel braking torque is dependent on both an instantaneous transmission output torque signal and on a request signal of a brake pedal. Specifically, claim 11 provides that "*to specify* a setpoint wheel braking torque, an instantaneous transmission output torque signal is gated with a request signal of a brake pedal." In contrast, as explained above, "Tabata" does not disclose

or suggest that an instantaneous transmission output torque signal and a request signal of a brake pedal are used to specify a setpoint wheel braking torque. "Tabata" does not disclose or suggest that a setpoint wheel breaking torque is dependent on an instantaneous transmission output torque signal or a request signal of a brake pedal at all.

Accordingly, for at least these reasons, claim 11 is allowable.

Claims 12 and 15 to 20 ultimately depend from claim 11, and are therefore allowable for at least the same reasons as claim 11.

In view of all of the foregoing, withdrawal of the obviousness rejections is respectfully requested.

In sum, claims 11, 12, and 15 to 20 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner have been addressed, so that an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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